IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

ORDER

S.B.CIVIL WRIT PETITION NO.5734/2002.

Smt.Sajna @ Guddi and Others.

VERSUS

The National Insurance Company Limited and Others.

14.12.2006.

HON'BLE MR.JUSTICE DALIP SINGH

Mr.Rohan Jain, for the petitioners.
Mr.Praveen Jain, for the respondent No.1.
Mr.I.R.Saini, for the respondents No.3 and 7.

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Learned counsel for the petitioner submits that he may be permitted to withdraw this writ petition with liberty to file an application for restoration of the claim petition before the learned Motor Accident Claims Tribunal as the petitioner has filed this writ petition directly before this court without approaching the learned Tribunal for restoration of the same.

In the facts and circumstances, which have been mentioned in the writ petition, I am inclined to accept the aforesaid prayer made by the learned counsel for the petitioner.

The writ petition is permitted to be withdrawn and is consequently, dismissed as withdrawn and the liberty is granted to the petitioner to move an application before the learned

Tribunal for restoration of the aforesaid claim petition to its original number. The petitioner would be entitled to seek condonation of delay on account of the pendency of the petition before this court. The learned Tribunal is expected to take a lenient view in the matter on account of the fact that the claim petition which was filed was filed as a result of the death of the bread earner of the petitioners' family who died in an unfortunate accident in the year 1990.

The writ petition is consequently, disposed of, as above.

(DALIP SINGH),J.

Solanki DS, Jr.P.A.